

Message Text

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PAGE 01 STATE 077048

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ORIGIN L-02

INFO OCT-01 AF-06 EUR-12 ISO-00 EB-07 AID-05 CIAE-00

COME-00 FRB-03 INR-07 NSAE-00 TRSE-00 XMB-02 OPIC-03

SP-02 CIEP-01 LAB-04 SIL-01 OMB-01 H-02 NSC-05 SS-15

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DRAFTED BY EB/IFD/OIA:TBRODERICK:L/AF:CASCHMIT

APPROVED BY L/AF:CASCHMITZ

AF/C:RSTRAND

EUR/RPE:ECASEY

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FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA

INFO AMEMBASSY BRUSSELS

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E.O. 11652: N/A

TAGS: ETRD, EINV, CG, ACP

SUBJECT: MOBILE/TEXACO COMPENSATION IMPLICATION

--- OF LOME CONVENTION

REF: STATE 2549

1. FINAL TEXT OF LOME CONVENTION NOT YET AVAILABLE.
DEPARTMENT HAS, HOWEVER, REVIEWED DRAFT TEXT PROVIDED BY
USEC BRUSSELS IN FEBRUARY 1975 (MISSION REPORTED AT THAT
TIME THAT FINALTEXT WAS EXPECTED TO BE ONLYMarginally
DIFFERENT), AND HAS BEEN UNABLE TO FIND EXPRESS REFERENCE
IN CONVENTION TO COMPENSATION FOR NATIONALIZED ASSETS.
THIS COMPORTS WITH SUBSTANCE OF APRIL 1 TELCON BETWEEN
DEPTOFF (EB) AND THE INFORMATION SERVICE OF THE EEC
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PAGE 02 STATE 077048

DELEGATION IN WASHINGTON, WHICH REPORTS THATTHEY ARE

UNAWARE OF ANY SUCH PROVISION, AND HAVE NO REASON TO BELIEVE THAT THE SUBJECT WOULD BE COVERED BY THE CONVENTION.

2. THE CONVENTION DOES PROVIDE FOR DISPUTE RESOLUTION (TITLE VI, ARTICLE 13) BY REFERENCE TO COUNCIL OF MINISTERS, AMBASSADORS' COMMITTEE, GOOD OFFICES, AND ARBITRATION WHEN QUESTIONS ARISE CONCERNING ITS INTERPRETATION OR APPLICATION; BUT THE ONLY SUBSTANTIVE PROVISION WE HAVE DISCOVERED WHICH MAY BEAR UPON THE PROBLEM, ALBEIT

REMOTELY, IS ARTICLE 13 OF TITLE III ON "INDUSTRIAL COOPERATION," WHICH READS AS FOLLOWS:

"(1) EACH ACP STATE SHALL ENDEAVOUR TO GIVE AS CLEAR AN INDICATION AS POSSIBLE OF ITS PRIORITY AREAS FOR INDUSTRIAL CO-OPERATION AND THE FORM IT WOULD LIKE SUCH CO-OPERATION TO TAKE. IT WILL ALSO TAKE SUCH STEPS AS ARE NECESSARY TO PROMOTE EFFECTIVE CO-OPERATION WITHIN THE FRAMEWORK OF THIS TITLE WITH THE COMMUNITY AND THE MEMBER STATES OR WITH FIRMS OR NATIONALS OF MEMBER STATES WHO COMPLY WITH THE DEVELOPED PROGRAMMES AND PRIORITIES OF THE HOST ACP STATE. (2) THE COMMUNITY AND ITS MEMBER STATES, FOR THEIR PART, SHALL ENDEAVOR TO SET UP MEASURES TO ATTRACT THE PARTICIPATION OF THEIR FIRMS AND NATIONALS IN THE INDUSTRIAL DEVELOPMENT

EFFORTS OF THE ACP STATES CONCERNED, AND SHALL ENCOURAGE SUCH FIRMS AND NATIONALS TO ADHERE TO THE ASPIRATIONS AND DEVELOPMENT OBJECTIVES OF THOSE ACP STATES."

3. WE WILL REPORT ANY ADDITIONAL INFORMATION WE RECEIVE WHICH BEARS UPON YOUR INQUIRY, AND WE AWAIT WITH INTEREST REPLY FROM EMBASSY (USEC) BRUSSELS. INGERSOLL

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